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OFFICE OF PETITIONS

In re Application of
Gunter Henning et al
Application No. 10/536,554
Filed: January 9, 2006
Attorney Docket No. 00139-016001

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 30, 2008, to revive the above-identified application.

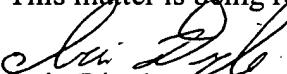
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 30, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 31, 2008.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1050 extension of time submitted with the petition on April 30, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3735 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions